



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LOUIS IVORY, JR.,

Petitioner,

VS.

NO. 4:08-CV-038-A

NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS
DIVISION.

Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Louis Ivory, Jr., is petitioner and Nathaniel Quarterman, Director, T.D.C.J., Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On June 30, 2008, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation ("FC&R"), and ordered that petitioner file objections, if any, thereto by July 21, 2008. Petitioner timely filed his objections.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings, conclusions, and recommendation to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980). The court need not address any nonspecific, frivolous, or

conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The Magistrate Judge recommends that petitioner's petition be dismissed with prejudice as time-barred because it was filed beyond the one-year limitations period described in 28 U.S.C. § 2244(d), and petitioner has failed to demonstrate that he is entitled to equitable tolling of the statute of limitations. Petitioner has not adduced anything in his objections as would cause the court to disagree with the Magistrate Judge. Therefore,

The court accepts the FC&R of the Magistrate Judge and ORDERS that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, dismissed with prejudice as time-barred.

SIGNED August 8, 2008.

JOHN McBEYDE
United States District Judge